

## **REMARKS/ARGUMENTS**

The Examiner is thanked for the clarity and conciseness of the Office Action and for the citation of the references which have been studied with interest and care.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hata (US 6,603,508).

Hata discloses a device for compensating for blurring of a photograph caused by movement of the camera when the photograph is taken. "The [Hata] camera 100 provides three operational modes, for example, including a monitoring mode, a photographing/recording mode and a displaying mode. The monitoring mode enables displaying an image photographed by the CCD 103 in the display panel 122 before recording the image in the memory card 150 and setting either the blur avoiding photographing mode or the normal photographing mode." [Hata, column 4, lines 44-51.] "The blur avoiding photographing mode enables photographing an image while avoiding blurring of a photograph due to movement of the camera by increasing the gain of the VG amplifier 105." [Hata, column 4, lines 54-58.]

In the monitoring mode, the gain of the VG amplifier 105 is adjusted as a function of an exposure value (EV). [Hata, column 6, lines 44-67.] In the blur avoiding photographing mode, the gain of the VG amplifier 105 is adjusted as a function of EV and the lens system being used. [Hata, column 8, lines 1-28.] Hata also discloses that the gain level of the VG amplifier 105 can be selected when setting the blur avoiding photographing mode according to the quality level of the photograph desired by the user. [Hata, column 10, lines 41-52.]

With respect to independent claims 1, 7 and 13, in the Office Action it was asserted that "it would have been obvious for one skilled in the art to have been motivated to include idea of allowing a user to select the gain of the variable amplifier as disclosed by the blur avoiding photographing mode of the digital camera disclosed by Hata in the monitoring mode of the digital camera disclosed by Hata." Applicant respectfully traverses these assertions for the reasons discussed below.

While Hata describes a mechanism for permitting user adjustment of the gain level during the blur avoiding photographing mode, there is no disclosure or suggestion of providing this functionality in the monitoring mode. Hata addresses the problem of blurring of the photograph caused by movement of the camera, but clearly fails to disclose or suggest providing a mechanism for manually adjusting signal strength for image monitoring. The

mere fact that the Hata camera also provides a monitoring mode does not fairly disclose or suggest, as recited in Applicant's claim 1, "a programmable amplifier coupled to [an] image capture device and responsive to a manual indication from a user that the image is sufficiently obfuscated due to lighting conditions to lack discernible features for adjusting the strength of said electrical signal."

Further with respect to the monitoring mode, Hata teaches automatic adjustment of the gain of the VG amplifier 105 so that "the image of the photograph is displayed with an optimum brightness in the display panel 122." [Hata, column 6, line 66 - column 7, line 1.] It is respectfully submitted that the foregoing language clearly teaches away from providing a user with a mechanism for manually overriding a signal strength setting for image monitoring. For the reasons discussed above, it is respectfully submitted that Hata fails to disclose or suggest Applicant's claims.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hata in view of Fellegara et al. (US 2001/0015760).

Fellegara et al. discloses an electronic camera embodiment with a quick review mode for displaying a working image on a display screen in response to a quick review signal entered by the camera operator. In an embodiment, the control processing means selectively generates a quick review from the working image stored in the working memory and supplies the quick review image to the display screen without requiring availability of the non-volatile memory. In another embodiment, the camera operator interface may include a quick review switch so that the control processing means activates the display screen to display the quick review image as long as the quick review switch is activated.

It is an object of Fellegara et al. to allow the camera operator to review a last captured image without causing a large energy drain. It is a further object of Fellegara et al. to provide a camera in which the last captured image can be reviewed regardless of whether a removable memory medium is attached to the camera. Fellegara et al., however, does not appear to disclose or suggest responding to a manual indication from a user that the image is sufficiently obfuscated due to lighting conditions to lack discernible features. For the reasons discussed above, it is respectfully submitted that the collective teachings of the cited references fail to disclose or suggest Applicant's claim.

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hata in view of Nakai et al. (US 5,311,245) and further in view of Fellegara et al.

Nakai et al. discloses a camera system operable by carrying data from a camera accessory to a camera body. While Nakai et al. does indeed disclose that "it is desirable to

carry out a warning informing the photographer of an over-exposure condition" [column 20, lines 42-44], this reference provides no disclosure or suggestion of automatically displaying a set of control icons... to help facilitate user adjustments to improve image quality. Moreover, Nakai et al. does not disclose or suggest a programmable amplifier responsive to a manual indication from a user that the image is sufficiently obfuscated due to lighting conditions to lack discernible features.

Further with respect to Fellegara et al., the mere disclosure of a graphical user interface "to permit the operator to select various camera functions" [Fellegara et al., page 8, paragraph 62] does not constitute, it is respectfully submitted, a disclosure or suggestion of automatically displaying a set of control icons whenever the exposure time of an image capture device is at about 13.33 milliseconds or greater to help facilitate user adjustments to improve image quality. For the reasons discussed above, it is respectfully submitted that the collective teachings of the cited references fail to disclose or suggest Applicant's claim.

#### **CONCLUDING REMARKS**

For the reasons discussed above, it is respectfully submitted that none of Applicant's claims would have been obvious to one of ordinary skill in the art over the collective teachings of the cited references. Withdrawal of these rejections is respectfully requested.

Applicant submits that the application is in condition for allowance. Concurrence by the Examiner and early passage of the application to issue are respectfully requested.

Respectfully submitted,



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